

Law Office of Nora J. Chorover

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RECEIVED
AUG 24 2015
OFFICE OF THE REGIONAL ADMINISTRATOR

August 21, 2015

BY CERTIFIED MAIL

Robert E. Kane, Jr., President
Kane Scrap Iron & Metal, Inc.
148 Croyden Terrace
Springfield, MA 01104
Certified mail # 7014 3490 0000 7429 7773

Re: 60-Day Notice of Violations and Intent to File Suit Regarding Noncompliance
with Federal Clean Water Act's Industrial Stormwater Discharge Requirements:
184 East Meadow Street, Chicopee, MA

Dear Mr. Kane:

This office represents Clean Water Action, a national non-profit citizens' organization working for prevention of pollution in the nation's waters. Clean Water Action has over one million members nationally, more than 50,000 of whom reside in Massachusetts.

Kane Scrap Iron & Metal, Inc. ("Kane") submitted a Notice of Intent ("NOI") to be covered by EPA's reissued Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity ("General Permit") on September 13, 2011.¹ Kane has violated and

¹ The General Permit was first issued in 1995 and most recently reissued in June 2015 in substantially similar form. See 60 Fed. Reg. 50804 (Sept. 29, 1995); 65 Fed. Reg. 64746 (Oct. 30, 2000); 73 Fed. Reg. 56572 (Sept. 29, 2008), and reissued in 2015 pursuant to 80 Fed. Reg. 34403 (June 4, 2015).

continues to violate the Permit's terms and conditions. Stormwater discharged from the facility has consistently exceeded EPA's benchmark limits for Aluminum, Copper, Iron, and Zinc over the last five years and monitoring results have also shown significant levels of Chemical Oxygen Demand. The company has not taken appropriate action to reduce these pollutants in its stormwater, and has not consistently complied with the applicable monitoring and reporting requirements.

We write to give notice that Clean Water Action intends to file a civil action in the United States District Court for the District of Massachusetts under section 505 of the Federal Clean Water Act (the "Act") against Kane. The subject of the action will be Kane's unlawful discharge of stormwater from its scrap recycling and waste recycling facility at 184 East Meadow Street, Chicopee, Massachusetts (the "Facility"). Stormwater runoff from the Facility is discharged into the Connecticut River via the City of Chicopee's municipal storm drain system.

BACKGROUND

Activities that take place at industrial facilities, such as the stockpiling and storage of materials, are often exposed to the weather. As runoff from rain or snowmelt comes into contact with these materials, it picks up pollutants and transports them to nearby rivers, lakes, or coastal waters and tributaries thereto, including but not limited to storm sewer systems, wetlands, and other surface waters. Stormwater pollution is a significant source of water quality problems for the nation's waters.

The following are *some* of the activities, pollutant sources and pollutants that are or may be present with Kane's scrap recycling and waste recycling facilities processes:

Activity	Pollutant Source	Pollutant
Stockpiling and storage of materials (including loading and unloading)	Leaking of various fluids from used automotive engines, radiators, brake fluid reservoirs, transmission housings, other vehicle parts, and lead-acid from batteries	PCBs, oil and grease, lubricants, paint pigments or additives, heavy metals, ionizing radioactive isotopes, transmission and brake fluids, fuel, battery acid, lead acid, antifreeze, benzene, chemical residue, heating oil, petroleum products, solvents, ionizing radioactive isotopes, infectious/bacterial contamination, asbestos, metals, total Kjeldahl nitrogen (TKN), battery acid, oil wastes, chemical residue
	Deterioration/corrosion of materials	

Activity	Pollutant Source	Pollutant
Material processing: Air pollution equipment (including incinerators, furnaces, wet scrubbers, filterhouses, and bag houses)	Normal equipment operations that include the collection and disposal of filter bag materials and ash, processes wastewater from scrubbers, accumulation of particulate matter around leaking joint connections, malfunctioning pumps and motors (e.g., leaking gaskets, seals or pipe connections, leaking oil-filled transformer casings)	Hydraulic fluids, oils, fuels, grease and other lubricants, accumulated particulate matter, chemical additives, and PCBs from oil-filled electrical equipment
Material processing: Combustion engines	Spills and/or leaks from fuel tanks, spills/leaks from oil/hydraulic fuel reservoirs, faulty/leaking transmissions, crank cases, and brake systems (if applicable), leaking battery casings and/or corroded terminals	Accumulated particulate matter, oil/lubricants, gas/diesel fuel, fuel additives, antifreeze (ethylene glycol), battery acid, and products of incomplete combustion
Material processing: Material handling systems (forklifts, cranes, and conveyors)	Spills and leaks from fuel tanks, hydraulic and oil reservoirs due to malfunctioning parts (e.g., worn gaskets and parts, leaking hose connections, and faulty seals)	Hydraulic fluids, oils, fuels and fuel additives, grease and other lubricants, accumulated particulate matter, chemical additives, mercury, lead, battery acid
	Damaged or faulty electrical switches (mercury filled)	
	Damaged or leaking battery casings, including exposed corroded battery terminals	
	Damaged or worn bearing housings	

Activity	Pollutant Source	Pollutant
Material processing: Stationary scrap processing facilities (balers, briquetters, shredders, shearers, compactors engine block/cast iron breakers, wire chopper, turnings crusher)	Leaks from hydraulic reservoirs, hose and fitting connections, worn gaskets, spills or leaks from fuel tanks, particulates/residue from scrap processing, malfunctioning pumps, and motors (e.g., leaking gaskets, seals or pipe connections, leaking oil-filled transformer casings)	Heavy metals (e.g., zinc, copper, lead, cadmium, chromium) and hydraulic fluids, PCBs
Materials processing: Hydraulic equipment and systems, balers/briquetter, shredders, shearers, compactors, engine block/cast iron breaker, wire chopper, turnings crusher	Particulate/residue from material processing, spills and/or leaks from fuel tanks, spills/leaks from oil/hydraulic fuel reservoirs, faulty/leaking hose connections/fittings, leaking gaskets	Hydraulic fluids/oils, lubricants, particulate matter from combustion engines, PCBs (oil-filled electrical equipment components), heavy metals (nonferrous, ferrous)
Material processing: Electrical control systems (transformers, electrical switch gear, motor starters)	Oil leakage from transformers, leakage from mercury float switches, faulty detention devices	PCBs, mercury (float switches), ionizing radioactive material (fire/smoke detection systems)
Material processing: Torch cutting	Residual/accumulated particulates	Heavy metal fragments, fines
Material handling systems	Spills and/or leaks from fuel tanks, spills/leaks from oil/hydraulic fuel reservoirs, faulty/leaking hose connections/fittings, leaking gaskets	Accumulated particulate matter (ferrous and nonferrous metals, plastics, rubber, other), oil/lubricants, PCBs (electrical equipment), mercury (electrical controls), lead/batter acids

Activity	Pollutant Source	Pollutant
Vehicle maintenance	Parts cleaning, waste disposal of rags, oil filters, air filters, batteries, hydraulic fluids, transmission fluids, brake fluids, coolants, lubricants, degreasers, spent solvents	Gas/diesel fuel, fuel additives, oil/lubricants, heavy metals, brake fluids, transmission fluids, chlorinated solvents, arsenic
Vehicle fueling	Spills and leaks during fuel transfer, spills due to “topping off” tanks, runoff from fueling areas, washdown of fueling areas, leaking storage tanks, spills of oils, brake fluids, transmission fluids, engine coolants	Gas/diesel fuel, fuel additives, oil, lubricants, heavy metals
Vehicle and equipment cleaning and washing	Washing and steam cleaning	Solvent cleaners, oil/lubricants/additives, antifreeze (ethylene glycol)

Clean Water Action will ask the Court to ensure Kane’s future compliance with the Act, assess civil penalties in an appropriate amount,² award plaintiff its litigation costs, including attorney and expert fees, and award any other relief the Court deems appropriate. Clean Water Action’s complaint will be filed a minimum of 60 days after the postmark date of this letter. This is a formal 60-day notice of intent to sue that is being served pursuant to 40 C.F.R., Part 135.

² The Act authorizes the Court to assess a penalty of up to \$37,500 a day for each violation, *see* 33 U.S.C. § 1319(d), 73 Fed. Reg. 75340 (Dec. 11, 2008).

This notice is being provided by:

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Clean Water Action
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Counsel for Clean Water Action in this case is:
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KANE'S VIOLATIONS AND DATES OF VIOLATIONS

Kane's violations are described below and are also set forth on a Table attached as Exhibit A hereto.³ The Complaint, when filed, will set forth additional days of violations that occur between the date of this letter and the date on which the Complaint is filed.

1. Failure to Comply with the Permit's Monitoring Requirements

Kane is required to monitor its discharges in accordance with the specific provisions of section 6 of the General Permit (pgs. 39-46) and Appendix B, section B (10). This includes monitoring for benchmark parameters and effluent limitations guidelines applicable to scrap recycling and waste recycling facilities. General Permit, section 8.N.6. Kane was required to monitor for the presence of Chemical Oxygen Demand (COD), Total Suspended Solids (TSS), Total Recoverable Aluminum, Total Copper, Total Iron, Total Lead, and Total Zinc, in its stormwater discharges for each quarter commencing with the April 1, 2009 to June 30, 2009 quarter. Quarterly monitoring is required to continue until four consecutive quarterly samples

³ Clean Water Action believes that violations have occurred on the dates identified in this letter and on Exhibit A, and not just on rain days. However, to the extent it is determined that rain days are relevant in determining the dates of violations, such rain dates through August 8, 2015 are set forth on Exhibit C hereto. The complaint, when filed, will set forth additional rain dates since August 8, 2015.

show that the company's discharges are below the applicable EPA benchmark levels.⁴ During the last five years, Kane violated these monitoring requirements by failing to monitor during the following quarters:

July 1, 2010 to September 30, 2010
October 1, 2010 to December 31, 2010
January 1, 2011 to March 31, 2011
April 1, 2011 to June 30, 2011
October 1, 2011 to December 31, 2011
October 1, 2014 to December 31, 2014

Kane also failed to utilize an appropriate hardness value when monitoring for Copper, Lead, and Zinc. As a scrap recycling and waste recycling facility, the company is subject to benchmark concentrations that are hardness dependent. See General Permit, section 8.N.6. For each quarter it reported on monitoring for compliance with benchmark limits, Kane reported a different hardness level of its receiving water.⁵ This calls into question whether Kane complied with the procedure in Appendix N of the permit, which requires the hardness level to be representative of the facility's receiving water. *Id.*, section 8.N.6.

To the extent additional monitoring violations become known to Clean Water Action before the action is filed, the complaint will seek remedy for such additional monitoring violations. To the extent additional monitoring violations are learned through discovery in the action, the complaint will be amended to seek remedy for such additional monitoring violations.⁶

⁴ The benchmark levels applicable to Kane's discharges are as follows: COD: 120 mg/L; TSS: 100 mg/L; Aluminum: 0.75 mg/L; Copper (based on receiving water hardness); Iron: 1.0 mg/L; Lead (based on receiving water hardness); Zinc (based on receiving water hardness). See General Permit, section 8.N.6.

⁵ Clean Water Action believes Kane may have reported the hardness level of its effluent instead of the hardness level of its receiving water.

⁶ Additional discovered monitoring violations may include, without limitation: failure to ensure representative sampling (General Permit, App. B, section B(10)(A), pg. B-4); failure to monitor from all facility outfalls (*id.*, section 6.1.1, pg. 39); failure to monitor during a measurable storm event following the preceding storm by at least 3 days (*id.*, section 6.1.3, pg. 39); failure to conduct monitoring in accordance with test procedures approved under 40 CFR Part 136 (*id.*, App. B, section B(10), pg. B-4); failure to sample within the first 30 minutes of a measurable storm event (*id.*, section 6.1.4, pg. 39).

2. Failure to Comply with the Permit's Reporting Requirements

Kane is required to report certain information to EPA and the Massachusetts Department of Environmental Protection ("Mass DEP") regarding its stormwater discharges in accordance with the provisions of Section 7 of the Permit. Among other things, Kane must submit quarterly benchmark monitoring data to EPA. See General Permit, section 7.1.⁷ Benchmark monitoring reports were to have been filed with EPA 30 days following receipt of monitoring results. During the last five years, Kane violated this requirement by failing to submit a quarterly benchmark monitoring report to EPA for the following quarters:

July 1, 2010 to September 30, 2010
October 1, 2010 to December 31, 2010
January 1, 2011 to March 31, 2011
April 1, 2011 to June 30, 2011
October 1, 2011 to December 31, 2011
October 1, 2014 to December 31, 2014

Kane is also required to prepare and submit to EPA annual reports that include findings from its annual comprehensive site inspections and documentation of corrective actions. See General Permit, section 7.2. Kane failed to submit annual reports for 2010 and 2011 with this requirement, as set forth on Exhibit A.

To the extent additional reporting violations become known to Clean Water Action before the action is filed, the complaint will seek remedy for such additional reporting violations. To the extent additional reporting violations are learned through discovery in the action, the complaint will be amended to seek remedy for such additional reporting violations.⁸

3. Failure to Minimize Pollutants and Implement Adequate Corrective Action

The General Permit requires Kane to ensure that its control measures minimize its stormwater pollutant discharges. General Permit, section 2.0 (pg. 14). Kane must take corrective action to modify its control measures whenever it finds that they "are not achieving their

⁷ If the data contains any exceedences of benchmarks, it must also be submitted to Mass DEP. See General Permit, Section 9.1.2.4.

⁸ Additional discovered reporting violations may include, without limitation, failure to submit all reporting data to EPA no later than 30 days after receipt of laboratory results (General Permit, section 7.4).

intended effect of minimizing pollutant discharges.” *Id.*, section 2.1. Corrective action must be taken whenever the results of monitoring show that “an exceedence of the 4 quarter average is mathematically certain.” *Id.*, section 4.2 (pg. 27). Documentation of corrective action must be included in the annual report. *Id.*, section 4.4 (pgs. 28-29).

Since Kane has failed to properly monitor its stormwater discharges, it cannot have ensured that control measures are minimizing its pollutant discharges. Moreover, as shown on Exhibit B, Kane’s stormwater discharges have exceeded benchmark levels for several parameters on several of the occasions that the company did perform monitoring.⁹ This is further evidence that control measures are inadequate to minimize pollutant discharges. The requirement for corrective action at outfall DA-001 was triggered as early as March 2012, after the company learned that stormwater discharges from outfall DA-001 exceeded the Aluminum benchmark and Iron benchmark by more than 4 times. General Permit, section 4.2. The requirement for corrective action at outfall DA-0002 was triggered as early as September 2011, after the company learned that stormwater discharges from outfall DA-002 exceeded the Aluminum benchmark and Iron benchmark by more than 4 times. *Id.*, section 4.2.

This Notice Letter alleges that Kane failed to minimize pollutants, implement adequate control measures, and take corrective action based on information presently available to Clean Water Action. If additional information regarding this violation becomes known to Clean Water Action in the future, the complaint may set forth some or all of such additional information.

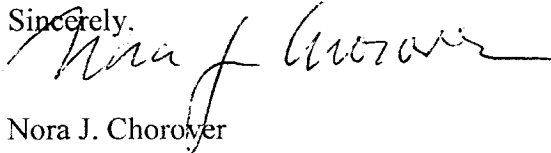
CONCLUSION

Clean Water Action believes this Notice of Violations and Intent to File Suit sufficiently states the basis for a civil action. During the 60-day notice period, we would be willing to discuss effective remedies for the violations noted in this letter that may avoid the necessity of litigation. If you wish to pursue such discussions, please have your attorney contact us within the next 20 days so that negotiations may be completed before the end of the 60-day notice period. We do not intend to delay the filing of a complaint in federal court if discussions are continuing when that period ends.

⁹ Kane’s discharges of Copper, Lead, and Zinc have exceeded benchmarks, regardless of which hardness value is used.

Kane Scrap Iron & Metal, Inc.
8/21/2015
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Sincerely,



Nora J. Chorover

Attorney for
CLEAN WATER ACTION

cc: (by certified mail)

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EXHIBIT A

KANE SCRAP IRON & METAL, INC. VIOLATIONS

Type of Violation	Quarter	Outfall	Parameters	Beginning Date of Violation	Earliest End Date of Violation
Failure to Monitor for Compliance with Benchmark Limits	Oct-Dec 2014	Both*	All	December 31, 2014	The present
Failure to Report on Monitoring for Compliance with Benchmark Limits	Oct-Dec 2014	Both	All	January 31, 2015	The present
Failure to Monitor for Compliance with Benchmark Limits	Oct-Dec 2011	Both	All	December 31, 2011	The present
Failure to Report on Monitoring for Compliance with Benchmark Limits	Oct-Dec 2011	Both	All	January 31, 2012	The present
Failure to Monitor for Compliance with Benchmark Limits	Apr-Jun 2011	Both	All	June 30, 2011	The present
Failure to Report on Monitoring for Compliance with Benchmark Limits	Apr-Jun 2011	Both	All	July 31, 2011	The present
Failure to Monitor for Compliance with Benchmark Limits	Jan-Mar 2011	Both	All	March 31, 2011	The present
Failure to Report on Monitoring for Compliance with Benchmark Limits	Jan-Mar 2011	Both	All	April 30, 2011	The present
Failure to Monitor for Compliance with Benchmark Limits	Oct-Dec 2010	Both	All	December 31, 2010	The present
Failure to Report on Monitoring for Compliance with Benchmark Limits	Oct-Dec 2010	Both	All	January 31, 2011	The present
Failure to Monitor for Compliance with Benchmark Limits	Jul-Sep 2010	Both	All	September 30, 2010	The present
Failure to Report on Monitoring for Compliance with Benchmark Limits	Jul-Sep 2010	Both	All	October 31, 2010	The present
Failure to Minimize Pollutants and Implement Adequate Corrective Action	Jul-Sep 2010	Both	COD, Aluminum, Copper, Iron, Zinc	September 30, 2010	The present
Failure to Submit Annual Report	2010	n/a	n/a	November 12, 2010	The present
Failure to Submit Annual Report	2011	n/a	n/a	November 12, 2011	The present
Failure to Use Appropriate Benchmark Values	Jul-Sep 2010	All	Copper, Lead, Zinc	September 30, 2010	The present

*Kane has two outfalls: DA-001 and DA-002.

EXHIBIT B

TABLE OF MONITORING RESULTS FOR COD, TSS, ALUMINUM, COPPER, IRON, LEAD, AND ZINC

Outfall DA-001

Quarter	Collection Date	Water Hardness	COD (Benchmark: 120 mg/L)	TSS (Benchmark: 100 mg/L)	Aluminum (Benchmark: 0.75 mg/L)	Copper* (Benchmark: Hardness Dependent)	Iron (Benchmark: 1.0 mg/L)	Lead* (Benchmark: Hardness Dependent)	Zinc* (Benchmark: Hardness Dependent)
Apr-Jun 2009	n/a	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring
Jul-Sep 2009	n/a	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring
Oct-Dec 2009	n/a	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring
Jan-Mar 2010	n/a	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring
Apr-Jun 2010	n/a	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring
Jul-Sep 2010	n/a	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring
Oct-Dec 2010	n/a	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring
Jan-Mar 2011	n/a	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring
Apr-Jun 2011	n/a	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring
Jul-Sep 2011	9/20/2011	100	No discharge	No discharge	No discharge	No discharge	No discharge	No discharge	No discharge
Oct-Dec 2011	n/a	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring

*Benchmarks for copper, lead and zinc are hardness dependent and range as follows: copper 0.0038 mg/L – 0.0332 mg/L, lead 0.014 mg/L – 0.262 mg/L, zinc 0.04 mg/L – 0.26 mg/L.

Quarter	Collection Date	Water Hardness	COD (Benchmark: 120 mg/L)	TSS (Benchmark: 100 mg/L)	Aluminum (Benchmark: 0.75 mg/L)	Copper* (Benchmark: Hardness Dependent)	Iron (Benchmark: 1.0 mg/L)	Lead* (Benchmark: Hardness Dependent)	Zinc* (Benchmark: Hardness Dependent)
Jan-Mar 2012	3/2/2012	196	278	294	11	0.612	18.1	0.502	0.764
Apr-Jun 2012	6/22/2012	294	707	570	15.2	1.62	34.9	1.14	1.56
Jul-Sep 2012	9/19/2012	65.9	111	104	5.1	0.112	1.86	0.0368	0.444
Oct-Dec 2012	12/16/2012	33.7	53.1	50	1.83	0.122	4.75	0.0632	0.225
Jan-Mar 2013	2/23/2013	525	794	24	0.372	0.402	0.568	0.0484	0.19
Apr-Jun 2013	6/28/2013	32	131	59	1.34	0.125	2.76	0.073	0.208
Jul-Sep 2013	9/21/2013	42.8	116	9	0.208	0.103	0.415	0.015	0.186
Oct-Dec 2013	12/21/2013	16.9	48.8	N/A	0.933	0.113	<2.38	N/A	0.2
Jan-Mar 2014	3/29/2014	156	110	N/A	1.89	0.26	4.16	N/A	0.634
Apr-Jun 2014	6/26/2014	44.8	98.8	N/A	1.38	0.194	3.79	N/A	0.401
Jul-Sep 2014	9/13/2014	79.8	274	N/A	0.469	0.185	1.04	N/A	0.24
Oct-Dec 2014	n/a	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring
Jan-Mar 2015	3/12/15	211	224	N/A	2.17	0.332	4.47	N/A	0.345

*Benchmarks for copper, lead and zinc are hardness dependent and range as follows: copper 0.0038 mg/L – 0.0332 mg/L, lead 0.014 mg/L – 0.262 mg/L, zinc 0.04 mg/L – 0.26 mg/L.

Outfall DA-002

Quarter	Collection Date	Water Hardness	COD (Benchmark: 120 mg/L)	TSS (Benchmark: 100 mg/L)	Aluminum (Benchmark: 0.75 mg/L)	Copper* (Benchmark: Hardness Dependent)	Iron (Benchmark: 1.0 mg/L)	Lead* (Benchmark: Hardness Dependent)	Zinc* (Benchmark: Hardness Dependent)
Apr-Jun 2009	n/a	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring
Jul-Sep 2009	n/a	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring
Oct-Dec 2009	n/a	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring
Jan-Mar 2010	n/a	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring
Apr-Jun 2010	n/a	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring
Jul-Sep 2010	n/a	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring
Oct-Dec 2010	n/a	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring
Jan-Mar 2011	n/a	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring
Apr-Jun 2011	n/a	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring
Jul-Sep 2011	9/20/2011	100	171	280	17.3	0.639	27.5	0.475	0.868
Oct-Dec 2011	n/a	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring
Jan-Mar 2012	3/2/2012	43.4	114	113	8.47	0.268	12.6	0.219	0.397
Apr-Jun 2012	6/22/2012	176	420	428	11.9	0.879	24.3	0.790	0.84

*Benchmarks for copper, lead and zinc are hardness dependent and range as follows: copper 0.0038 mg/L – 0.0332 mg/L, lead 0.014 mg/L – 0.262 mg/L, zinc 0.04 mg/L – 0.26 mg/L.

Quarter	Collection Date	Water Hardness	COD (Benchmark: 120 mg/L)	TSS (Benchmark: 100 mg/L)	Aluminum (Benchmark: 0.75 mg/L)	Copper (Benchmark: Hardness Dependent)	Iron (Benchmark: 1.0 mg/L)	Lead (Benchmark: Hardness Dependent)	Zinc (Benchmark: Hardness Dependent)
Jul-Sep 2012	9/19/2012	44	85	52	2.2	0.103	0.415	0.015	0.254
Oct-Dec 2012	12/16/2012	44.5	106	65	2	0.132	4.82	0.0783	0.237
Jan-Mar 2013	2/23/2013	54	26	26	0.965	0.112	1.86	0.0368	0.136
Apr-Jun 2013	6/28/2013	33.2	110	65	0.495	0.118	1.19	0.0694	0.189
Jul-Sep 2013	9/21/2013	83.6	210	19	0.625	0.172	1.28	0.0329	0.279
Oct-Dec 2013	12/21/2013	15	51.7	N/A	1.1	0.174	2.38	N/A	0.197
Jan-Mar 2014	3/29/2014	21	40.6	N/A	1.18	0.0872	2.53	N/A	0.227
Apr-Jun 2014	6/26/2014	33.6	98.8	N/A	1.38	0.194	3.97	N/A	0.401
Jul-Sep 2014	9/13/2014	83.1	401	N/A	0.773	0.228	1.92	N/A	0.368
Oct-Dec 2014	n/a	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring	No reporting or monitoring
Jan-Mar 2015	3/12/2015	17.8	224	N/A	2.17	0.332	4.47	N/A	0.345

*Benchmarks for copper, lead and zinc are hardness dependent and range as follows: copper 0.0038 mg/L – 0.0332 mg/L, lead 0.014 mg/L – 0.262 mg/L, zinc 0.04 mg/L – 0.26 mg/L.

EXHIBIT C

DAYS BETWEEN SEPTEMBER 1, 2010 AND AUGUST 8, 2015 ON WHICH STORMWATER FROM FACILITY DISCHARGED TO WATERS OF THE UNITED STATES

September 2010:	14, 17, 28, 30
October 2010:	1, 2, 6, 7, 15, 16, 27, 28
November 2010:	5, 8, 17, 26
December 2010:	2, 13, 14, 27
January 2011:	12, 13, 18, 19, 21, 27
February 2011:	2, 3, 6, 8, 21, 25, 26, 27
March 2011:	1, 7, 11, 12, 17, 22
April 2011:	1, 5, 6, 13, 14, 17, 20, 24, 29
May 2011:	5, 8, 17, 19
June 2011:	2, 10, 11, 12, 14, 15, 16, 18, 23, 24, 26, 29
July 2011:	4, 8, 9, 26, 27
August 2011:	7, 10, 15, 16, 22, 25, 26, 28, 29
September 2011:	6, 7, 8, 16, 20, 21, 22, 23, 24, 29, 30
October 2011:	1, 2, 4, 5, 13, 14, 15, 20, 27, 28, 30
November 2011:	11, 17, 23, 30
December 2011:	7, 8, 22, 23, 28
January 2012:	1, 2, 12, 13, 20, 24, 27, 28
February 2012:	17, 25
March 2012:	1, 3, 13
April 2012:	2, 22, 23
May 2012:	2, 3, 9, 10, 15, 16, 30
June 2012:	2, 3, 4, 5, 13, 14, 24, 26
July 2012:	24, 29, 30
August 2012:	6, 10, 11, 15, 16, 18, 28, 29
September 2012:	3, 5, 9, 10, 19, 23, 28, 29
October 2012:	11, 14, 16, 20, 30
November 2012:	9, 13, 14
December 2012:	21, 22, 30
January 2013:	12, 17, 29, 30, 31
February 2013:	1, 9, 12, 27, 28
March 2013:	8, 13, 19, 20
April 2013:	1, 10, 11, 12, 13, 20
May 2013:	9, 12, 20, 22, 24, 25, 26, 29, 30
June 2013:	3, 4, 7, 8, 11, 12, 14, 18, 19, 25, 28, 29
July 2013:	2, 11, 23, 24, 26
August 2013:	2, 9, 10, 27, 29

September 2013:	1, 2, 11, 13, 22
October 2013:	5, 6, 7, 8
November 2013:	1, 18, 23, 27, 28
December 2013:	6, 7, 8, 9, 10, 15, 18, 24, 30
January 2014:	3, 6, 7, 12, 15, 19
February 2014:	4, 6, 14, 16, 19, 20, 21, 22
March 2014:	13, 29, 30
April 2014:	1, 5, 8, 12, 16, 26, 27, 30
May 2014:	1, 2, 11, 17, 23, 24, 28
June 2014:	4, 5, 6, 14, 18, 26
July 2014:	3, 4, 5, 8, 10, 14, 16, 17, 24, 28, 29
August 2014:	13, 14, 22, 28
September 2014:	1, 7, 14, 21
October 2014:	1, 2, 5, 8, 12, 16, 17, 19, 23, 24, 30
November 2014:	2, 7, 14, 17, 18, 24, 25, 27
December 2014:	3, 6, 7, 10, 11, 17, 25
January 2015:	4, 5, 10, 13, 19, 24, 25, 28
February 2015:	2, 3, 8, 9, 10, 15, 22
March 2015:	2, 4, 11, 15, 27
April 2015:	4, 8, 9, 10, 21
May 2015:	20, 28
June 2015:	1, 2, 10, 15, 16, 21, 22, 24, 28, 29
July 2015:	1, 10, 15, 19, 26, 27, 28, 31
August 2015:	5